

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

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| LEONARD C. JEFFERSON, | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | C.A. No. 16-652WES |
| | : | |
| ASHBEL T. WALL, Director of Rhode | : | |
| Island Department of Corrections; | : | |
| COREY CLOUD, Grievance Coordinator | : | |
| at Rhode Island's Adult Correctional | : | |
| Institutions; MATTHEW KETTLE, | : | |
| Associate Director/Warden of the Adult | : | |
| Correctional Institutions' Maximum | : | |
| Security Building; LT. AMARAL, | : | |
| Correctional Officer at the Adult | : | |
| Correctional Institutions; DR. JENNIFER | : | |
| CLARKE, Medical Program Director | : | |
| at the Adult Correctional Institutions; | : | |
| DOCTORS AMANDA NOSKA, | : | |
| MICHAEL POSHKUS, and | : | |
| CHRISTOPHER SALAS, Members of | : | |
| Rhode Island Department of Corrections | : | |
| Hepatitis C Committee, | : | |
| Defendants. | : | |

REPORT AND RECOMMENDATION

PATRICIA A. SULLIVAN, United States Magistrate Judge.

On October 17, 2017, acting through counsel appointed from the Court's *pro bono* panel, Plaintiff Leonard C. Jefferson filed his renewed motion for preliminary injunction (ECF No. 62), requesting the Court to order Defendants to provide treatment for his life-threatening condition of chronic hepatitis C. The motion is grounded in Plaintiff's right under the Eighth Amendment of the United States Constitution to be free from cruel and unusual punishment as a result of prison officials' deliberate indifference to serious medical needs. Estelle v. Gamble, 429 U.S. 97, 103 (1976). The motion has been referred to me for report and recommendation pursuant to 28 U.S.C. § 636(b)(1)(B).

After the filing of Plaintiffs' opening brief, supported by a deposition, other discovery responses, and other relevant materials, the Court set a schedule for further briefing and an evidentiary hearing. Text Order of Oct. 31, 2017. Well prior to the deadline for the filing of their opposition to the motion, on November 7, 2017, Defendants filed a Notice advising that Rhode Island Department of Corrections ("RIDOC") had expeditiously convened its hepatitis C Committee, which had voted to treat Plaintiff as requested by the motion for injunctive relief. After a brief hiatus, during which Plaintiff's counsel confirmed that treatment had indeed been initiated, on November 22, 2017, Plaintiff responded to the Notice by advising the Court that he is now receiving the treatment of the type sought by the preliminary injunction motion. In light of the commencement of such treatment and the expectation that it will cure the hepatitis C, Plaintiff has withdrawn the motion. Based on the withdrawal of the motion, and with commendation to counsel for all parties for the professionalism with which they have handled this issue, I now recommend that renewed motion for preliminary injunction (ECF No. 62) based on Eighth Amendment claims be passed as withdrawn.

Any objection to this report and recommendation must be specific and must be served and filed with the Clerk of the Court within fourteen (14) days after its service on the objecting party. See Fed. R. Civ. P. 72(b)(2); DRI LR Cv 72(d). Failure to file specific objections in a timely manner constitutes waiver of the right to review by the district judge and the right to appeal the Court's decision. See United States v. Lugo Guerrero, 524 F.3d 5, 14 (1st Cir. 2008); Park Motor Mart, Inc. v. Ford Motor Co., 616 F.2d 603, 605 (1st Cir. 1980).

/s/ Patricia A. Sullivan
PATRICIA A. SULLIVAN
United States Magistrate Judge
November 27, 2017